

JAN 28 2008

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JESSIE MALDONADO,

Defendant - Appellant.

No. 07-10056

D.C. No. CR-06-00117-LDG

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Nevada  
Lloyd D. George, District Judge, Presiding

Submitted January 14, 2008<sup>\*\*</sup>

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Jessie Maldonado appeals from the 180-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm in violation

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of 18 U.S.C. § 922(g)(1), and § 924(a)(2), and enhanced by 18 U.S.C. § 924(e).

We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Maldonado contends that the district court erred in determining that his 1988 conviction under California Penal Code § 12020(a) for possession of a sawed-off rifle qualified as a violent felony for purposes of the Armed Career Criminal Act (“ACCA”) sentencing enhancement provision contained in 18 U.S.C. § 924(e).

This contention is foreclosed by *United States v. Delaney*, 427 F.3d 1224, 1226 (9th Cir. 2005) (holding that a conviction under California Penal Code § 12020(a) for possession of a short-barreled shotgun categorically constitutes a predicate crime of violence for purposes of sentencing enhancements under the ACCA).

**AFFIRMED.**